

REMARKS

Claims 41, 47, 55 and 61 have been amended. Claim 54 has been canceled in this paper. Claims 41-51 and 55-65 are now pending in the present application.

Claims 41-46 and 54-65 stand objected to based on certain informalities. The Office Action suggests that the claims are unclear. Applicants respectfully traverse the objection and request reconsideration. Claim 54 has been canceled and thus, the objection is no longer applicable to claim 54. In an effort to expedite the prosecution of this application, Applicants have amended claims 41, 55 and 61 as suggested by the Office Action. Applicants have addressed the concerns of the Office Action. Accordingly, Applicants respectfully request that all objections be withdrawn and the claims allowed.

Claims 47-51 stand rejected under 35 U.S.C. § 112, first paragraph. Applicants respectfully traverse the rejection. In an effort to expedite the prosecution of this application, however, Applicants have amended independent claim 47 to address the concerns of the Office Action and remove the term "dielectric layer." Applicants now believe claim 47 is in full compliance with 35 U.S.C. § 112. Claims 48-51 depend from claim 47 and are allowable along with claim 47. Hence, Applicants respectfully request that the rejection be withdrawn and the claims allowed.

Claims 55-58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,743,641 to Yates et al. (Yates) in view of U.S. Patent 6,555,858 to Jones et al. (Jones). The rejection is respectfully traversed.

The Yates patent shares a common assignee with the present application. The Yates patent can only qualify as § 102(e) prior art. Pursuant to 35 U.S.C. § 103(c), the Yates patent cannot properly be cited in a rejection under 35 U.S.C. § 103(a) in the

present application as the Yates patent and the present application are commonly owned by the same assignee and the Yates patent can only qualify as prior art under 35 U.S.C. § 102(e)/103(a). A Statement Concerning Common Ownership, as required under MPEP § 706.02(l)(2), is included below.

Statement Concerning Common Ownership


Applicants' undersigned attorney states that both the present application and the Yates patent were, at the time the invention was made, subject to an obligation of assignment to the same person, namely, Micron Technology, Inc.

Jones does not disclose, teach or suggest all of the limitations of claims 55-88. As such, Applicants respectfully submit that for at least these reasons, claims 55-58 are allowable over the cited combination. Accordingly, the rejection should be withdrawn and claims 55-58 allowed.

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

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Respectfully submitted,

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